

# **DRAFT**

## **Meeting Minutes Native Species Commission Laws & Regulations Subcommittee**

Wednesday, April 10, 2019 – 2:00PM  
Caucus Room – Kent County Administration Building

### **Members Present:**

Kitty Holtz  
Christine Whiteman  
Mike Costello  
Mike Petit de Mange

### **Members Absent:**

Faith Kuehn  
Jim McCulley  
Tracy Surles

### **Guests Present:**

Tricia Arendt - OSPC  
Jennifer Holmes - DNREC

### **Call to Order**

Mike Petit de Mange called the Subcommittee Meeting to order at 2:02pm and thanked everyone for joining the meeting. Four (4) members were present to constitute a quorum. Also two (2) invited guests were present: Tricia Arendt, AICP, from the Office of State Planning Coordination; and, Jennifer Holmes DNREC's Coastal Programs Coordinator. Brief introductions were made.

### **Purpose & Objectives of the Subcommittee**

Mr. Petit de Mange provided a brief review of the purpose and objectives of the Subcommittee pursuant to the Final Recommendations of the Endangered Species Legislative Task Force. Among the Task Force Recommendations is a call to *"review existing regulations to determine their effectiveness in protecting state endangered species."*

Mr. Petit de Mange explained that the Subcommittee was established by a Motion of the Native Species Commission on August 24, 2018, with the stated purpose of identification and compilation of existing laws and regulations that impact natural habitats and man-made landscapes with respect to native, non-native, and invasive species.

The Subcommittee will report findings and offer recommendations to the Native Species Commission for consideration.

### **Local Government Regulations Effecting Native Species**

Mr. Petit de Mange reported that he had reached out to the State Planning Office for assistance in researching local jurisdiction regulations in an effort to glean out any regulatory mechanisms currently in place in Delaware that are intended to preserve and/or promote native species and habitats, or that address the issue of invasive species. Tricia Arendt met with Mr. Petit de Mange in early February to discuss this work and offered to assist.

To date, although not fully complete, research has revealed very limited regulatory controls in place that would directly support native species and/or control invasive species at the Local and County government levels.

A few examples of Codes that do address native species and/or invasive species were presented and discussed including regulations adopted by the town of Townsend, and the City of Lewes. The Woodland Preservation and Tree Planning Regulations of Kent County were also referenced as effective in preserving existing woodland areas, but lacking in any limitation on the planning of invasive species with new development proposals.

#### **Community Comprehensive Plans – Update on Findings**

Mike Petit de Mange reported on work reviewing existing Comprehensive Plans for stated goals and objectives or action plans that would address protections and promotions of native species and/or limits on invasives. The comprehensive plans are being examined because they are often the first place where more progressive ideas are expressed, and where new programs are identified for further study and/or implementation. Similar to the regulatory findings, most comprehensive plans do not address native species or invasive species as a community concern or planning objective, with a few exceptions.

A few examples of comprehensive plans that address native and/or invasive species directly were reviewed during this meeting. These include the City of Newark 2008 Plan, the City of Georgetown 2010 Plan, and the City of Rehoboth Beach 2010 Plan.

#### **Discussion of Possible Recommendations to the Commission**

The Subcommittee discussed the need to review examples of regulatory tools that may exist in local jurisdictions in other States. It was agreed that the Subcommittee would extend its research to see if examples from other areas may serve as possible models for use in Delaware.

A general discussion of the limited supply of native plant selections available at retail outlets for the general public to choose from. It was noted that public awareness and education will play a key role in promoting market demand for native plant materials. Jennifer Holmes indicated that it is difficult to find native plant material locally and it is fairly common practice to have to source native plant materials from nurseries outside of Delaware.

Mike Costello provided a brief overview of the draft legislation being considered that may include an educational component and address the issue of native species supply chain, and possible restrictions on the sale and use of invasive plant materials. Mr. Costello also mentioned Sussex County may be revising its tall grass and noxious weed ordinance which may present an opportunity to address invasive species as well.

Tricia Arendt suggested that a certification program for nursery and garden centers that are trained and in the business of actively promoting native plant species. Such a program could draw more garden centers to want to market themselves as a "Certified Native Plant Garden Center". Some retailers could see this as a "niche" opportunity to differentiate and specialize their business. The Subcommittee believes that such an idea has merit and should be explored further.

Mike Costello suggested that working closely with the various Conservation Districts in the three Counties may be a good place to promote the use of native plant species. The Conservation Districts manage Stormwater Management and Erosion and Sediment Control when new development is taking place. They also manage ditch maintenance, drainage restoration projects, and oversee the design and installation of bio-filtration systems that all involve planting and vegetative stabilization practices.

The Subcommittee also discussed concerns with the limited protections for freshwater wetland areas, and particularly, the vulnerability of isolated upland wetlands that are important habitats for many rare and/or endangered species.

The notion of developing a "model native and invasive species ordinance" for communities to consider was also discussed by the Subcommittee. This idea is viewed as a later stage project of the Subcommittee.

#### **Discussion of Next Steps**

The Subcommittee identified the following topics for further work and development:

1. Engage representatives of the three (3) County Conservation Districts to explore opportunities to promote the use of native plant materials in stormwater management and drainage improvement projects.
2. Develop the concept of a Certified Native Plant Nursery/Garden Center Program for consideration by the full Commission.
3. Pursue the development of a Model Ordinance that addresses the issue of Invasive Species Eradication.
4. Research ordinances and regulatory tools used in local jurisdictions to promote and protect Native Plant Species in other States to see if there are approaches that could be applied in Delaware.
5. Development of a "preferred native species plant list" to share with local jurisdictions that they may distribute to the development community or use as a basis for amendments to existing codes and regulations.

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The Subcommittee also discussed the potential of identifying community partners such as the Agricultural Extension Offices at Delaware State University and the University of Delaware, Master Gardener Programs, and the Sussex County Association of Towns (SCAT) for the purpose of providing advice and outreach to local communities about the importance of native species and removal of invasives.

The idea of a Capstone Project for a student at a local university pursuing a degree in environmental studies, forestry or similar discipline that could assist the Subcommittee and the full Native Species Commission in the ongoing research and planning around these issues was also discussed.

**Meeting Schedule**

The next Subcommittee Meeting is planned to occur in June with date and time to be determined.

**Adjournment**

The Subcommittee Meeting was adjourned at 3:25pm.

Respectfully Submitted,

Michael J. Petit de Mange, AICP, Chair